STORM EVENTS

Volume 3, Issue 2 **ITD Quarterly Storm Water Newsletter** **Winter 2008**

Promoting Responsible Storm Water Management Practices throughout the Idaho Transportation Department

Idaho Falls Construction Sites Penalized for Non-Compliance

(Idaho Falls, Idaho) Operators at construction sites near Idaho Falls, Idaho, recently paid a total of $17,800 to settle two enforcement cases for violations of the Construction General Permit, issued pursuant to the Clean Water Act. The consent agreements resolving the violations were filed by the U.S.EPA.

Violations were found at the sites during routine EPA inspections conducted to assess compliance with the nationwide storm water Construction General Permit. The permit requires operators of construction sites to plan for and implement storm water controls and to protect surface waters from common construction pollutants like sediment, oil and grease, and concrete washout. This is the fifth year in a long-term regional enforcement initiative to improve compliance with the Construction General Permit.

"EPA is finding that most operators know they need Permit coverage," said Kim Ogle, EPA's Region 10 Compliance Unit Manager. "However, there is still substantial room for improvement implementing the requirements of the Permit, as we saw in these two cases."

The operators at the Snake River Landing site, Ball Ventures, Bateman Hall Inc., HK Contractors, Inc., were alleged to be in violation for:
- failing to provide adequate erosion protection near the Snake River, and
- lacking required planning information in Storm Water Pollution Prevention Plans (SWPPPs).

The operators at the Palisades Creek Ranch site, Palisades Creek Ranch LLC and Rockin T Construction, were alleged to be in violation for:
- failing to install all proposed erosion and sediment controls,
- failing to provide required stabilization to two areas,
- failing to conduct adequate self-inspection reports,
- failing to post the Notice of Intent, and
- omitting required planning info from their SWPPP.

The cases were settled using EPA's Expedited Settlement Offer (ESO) Policy, a streamlined enforcement process with lower fines for first-time violators and where no significant environmental harm was observed.

Test Your Storm Water Management I.Q.:

1. True or False: The new 2008 CGP requires Contractors to train employees and subcontractors as necessary to make them aware of applicable control measures implemented at the site so that they follow applicable procedures.

2. Per the CGP Appendix D, how low must the project's erosivity factor be to obtain a waiver from EPA?

3. Are owners/operators prohibited from filing NOIs after initiating construction activities?

10 Keys to Effective Erosion and Sediment Control

Erosion Control
1. Minimize disturbed area and protect natural features
2. Phase construction activity
3. Control stormwater flowing onto and through the site
4. Stabilize soils promptly
5. Protect slopes

Sediment Control
6. Protect storm drain inlets
7. Establish perimeter controls
8. Retain sediment on-site/control dewatering practices
9. Establish stabilized construction exits
10. Inspect and maintain controls

A combination of track walking and bonded fiber matrix provides for excellent erosion protection

ITD Storm Water Frequently Asked Questions (FAQs)

Q1: When does coverage by the new 2008 CGP begin?

A1: Per the new 2008 CGP, the permit became active on June 30, 2008. Therefore, any project starting on or after June 30, 2008 would be required to have coverage under the new permit. This would include maintaining a copy of the new 2008 CGP in the project SWPPP. As noted in the Fall 2008 'Storm Events', any project that started before June 30, 2008 and received coverage under the former 2003 CGP are automatically continued under the old permit until the expiration of the 2008 permit and the issuance of a new CGP, or the termination of coverage by you under the 2003 CGP, whichever is earlier.

Q2: Are there still stormwater management requirements that need to be met if my project's disturbed acreage is less than one acre?

Quiz Answers:

1. True per CGP Section 3.7.
2. The rainfall erosivity factor must be lower than 5 for a project to qualify for the rainfall erosivity waiver.
3. The answer is no per CGP Section 2.4.D. Be aware, however, that the EPA reserves the right to take enforcement action for any unpermitted discharges that occur between the commencement of construction and discharge authorization.

A2: YES! Even though the CGP would not apply to your project, the project must still meet State Water Quality Standards. Accordingly, you are required by the ITD Clean Water Act insert (08/08) to have an Erosion and Sediment Control Plan (ESCP). See the Clean Water Act Insert for specific guidelines on the type of information and inspection requirements for projects requiring an ESCP.

Q3: Why do both the Owner (ITD) and the Operator (Prime Contractor) have to submit Notices of Intent (NOIs)?

A3: Per CGP Appendix A, an "Operator" means any party associated with a construction project that meets either of the following two criteria:
1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity.

BMP of the Quarter

BMP-3.8 SEDIMENT BASINS (Temporary)

DESCRIPTION
Sediment basins are one of the most effective erosion and sediment control measures. The basin traps, collects, and stores sediment resulting from storm water runoff during construction activities. Also acts as a flow detention facility by reducing the velocity at peak runoff. By excavating a depression or placing a dike or berm directly upstream of a ditch or channel check or an outlet or inlet, sediment trap basins pool or pond sediment-laden water long enough for the sediment to settle out prior to the water running over or through the check structure to downstream areas.

APPLICATION
Sediment basins can be constructed in various sizes and depths depending on the size of the area to be drained. Sediment basins can be used in many different locations, depending on available space, and are usually effective when used in combination with other temporary BMPs such as ditch checks and inlet protection devices. Sediment basins may be appropriate in the following applications:
- At the toe of slopes or embankments where slope drains discharge.
- At the lower end of waste areas or borrow pits.
- At the outlet of perimeter controls.
- At the outlet of any structure discharging sediment-laden runoff.
- Upstream to an inlet, or channel ditch check dam.
- Upstream to the outlet of a staging or storage area.
- One or a series of small basins constructed along a concentrated runoff flow path.

Refer to: **ITD Standard Specifications, Section 212.**
ITD Standard Drawings, P-1-A, P-1-C, and P-1-D.